IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WA.No. 1536 of 2005()

AGAINST THE JUDGEMENT IN WPC.18004/2003 Dated 08/07/2005
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APPELLANT: PETITIONER.

S.PARAMESWARA KURUP, MANAGER, (FORMER MANAGER WAS P.RAMACHANDRAN NAIR)NADUVATTOM, VOCATIONAL HIGHER SECONDARY SCHOOL, NADUVATTOM PO, PALLIPPAD, ALAPPUZHA DISTRICT.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

RESPONDENTS: RESPONDENTS.
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, GENERAL EDUCATION (F) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER, ALAPPUZHA.

4. THE MANAGER, S.N.TRUST, KOLLAM.

R1 TO R3 BY SR.GOVERNMENT PLEADER MR.M.R.SABU
R4 BY ADV.MR.N.RAJAN BABU

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & C.N.RAMACHANDRAN NAIR, J.

W.A.No.1536 of 2005

Dated, this the 11th day of December, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

In the present writ appeal challenge is to the order passed by the learned Single Judge on 8th July, 2005 in W.P.(C) No.18004 of 2003(R). The appellant who was petitioner in the original lis has challenged the order Ext.P12 by which the 4th respondent has been sanctioned a high school in Ward XI of Pallippad Panchayat where his school is also situated. With the assistance of the learned counsel for the appellant we have gone through the judgment passed by the learned Single Judge. Though the learned counsel appearing for the appellant has primarily raised a contention based upon the Rules with regard to non following of the procedure prescribed for sanctioning schools, we find no discussion on this point which prima facie would show that such a point was not raised before the learned Single Judge. Even in the memorandum of writ appeal there is no specific ground taken to show that the procedural lapses made by the respondents were pointed out to the learned Single Judge and an order on that point was also invited. Learned counsel, however,

vehemently contends that such points were indeed raised, but the learned Single Judge did not deal with the same. It is very difficult to appreciate this contention of the learned counsel. That apart, the settled law in such a situation is that the concerned party like the appellant herein should seek a review of the order impugned in the present writ appeal. Leaving that course open to the appellant we dismiss this writ appeal. At this stage, counsel states that the time allowed for filing the review application might have expired now. In totality of the facts and circumstances of the case, we order that if an application for review is filed within a week from today, the same shall not be dismissed on the ground of limitation.

Writ appeal is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

C.N.RAMACHANDRAN NAIR,
JUDGE.

vns